

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED

JAN 13 2014

IN THE MATTER OF AN)
APPLICATION OF THE UNITED)
STATES OF AMERICA FOR A)
WARRANT DIRECTING THE)
PROVISION OF ANY SIGNALING)
INFORMATION, INCLUDING CELL)
SITE INFORMATION, PRECISION)
LOCATION INFORMATION, AND)
FACTORY INSTALLED "GPS")
INFORMATION, ASSIGNED TO THE)
SPRINT BRAND CELLULAR)
TELEPHONE BEARING NUMBER)
(314) 319-6554.)

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO

No. 4:14MJ00006 DDN

FILED UNDER SEAL

AFFIDAVIT

Eric Lanham, being duly sworn, deposes and says that he is a Task Force Officer (TFO) with the Drug Enforcement Administration (DEA), duly appointed according to law and acting as such.

Upon information and belief, the SPRINT brand cellular telephone bearing number **(314) 319-6554** (hereinafter the **subject cellular telephone #3**) which is being utilized by Darwin ANDERSON, is presently being used in connection with the commission of offenses involving ongoing violations of Title 21, United States Code, Sections 846 and 841(a)(1), by Darwin ANDERSON, James SWOPES, Don McGHEE, and others known and unknown.

Your affiant further states that there is probable cause to believe that the signaling information, including cell site information, precision location information, and factory installed GPS information will lead to evidence of the aforementioned criminal offenses as well as to the identification of individuals who are engaged in the commission of those criminal offense and related crimes.

The source of your affiant's information and the grounds for his belief are as follows and are based on your affiant's personal knowledge as well as information provided to your affiant by other agents assigned to the investigation:

I. APPLYING OFFICER

1. For the past nine years, I have been a Task Force Officer with the Drug Enforcement Administration, assigned to the St. Louis Division Office. Concurrent with this assignment, I am a commissioned police officer with the Bridgeton (Missouri) Police Department, having been so sworn for approximately twenty years.

2. During the course of my law enforcement experience I have participated in numerous complex investigations with drug-trafficking organizations dealing in heroin, cocaine, marijuana and other controlled substances. I am familiar with and have utilized normal methods of investigation, including, but not limited to, visual surveillance, questioning of witnesses, the use of search and arrest warrants, the use of informants, the use of pen registers, the utilization of undercover agents and the use of court-authorized wire and electronic intercepts, as well as other forms of electronic surveillance.

3. I am currently part of a team of experienced law enforcement officers/agents investigating the criminal activities, specifically the cocaine distribution of James SWOPES, Don McGHEE, Darwin ANDERSON and others. James SWOPES is believed to be the local narcotic faction leader that is supplying underlings with multiple kilogram amounts of "crack" cocaine. Don McGHEE is a commissioned police officer for the St. Louis Metropolitan Police Department, and allegedly, a long time, close associate of SWOPES. As surveillance has observed McGHEE on the "drug set" under the control of SWOPES, it is believed that McGHEE is using his position as a police officer to safe guard the operation. The role of Darwin ANDERSON is undefined at

the present time, with respect to his hierachal standing, however, analysis of his telephonic traffic and related surveillance, indicate he has an intricate role in the DTO.

II. INTRODUCTION

4. This affidavit is submitted in support of an application for the issuance of a Precision Location Information (PLI) and factory installed Global Positioning System (GPS) warrant for the following described cellular telephones:

a. (314) 819-3087 (hereinafter **subject cellular telephone #1**), ESN #268435457807521920, more fully described as Sprint brand cellular telephone with subscriber information listed as Wallem DAVED, 3338 Union Blvd., St. Louis, MO 63115. The investigation has demonstrated that **subject cellular telephone #1** is being utilized by James SWOPES;

b. (619) 906-9090 (hereinafter **subject cellular telephone #2**), ESN #256691467905535337, more fully described as a Sprint brand cellular telephone with subscriber information listed as Don McGHEE, 2706 Caroline, Apt. E, St. Louis, MO 63104. The investigation has demonstrated that **subject cellular telephone #2** is being utilized by Don McGHEE; and

c. (314) 319-6554 (hereinafter **subject cellular telephone #3**), ESN #256691468100083529, more fully described as a Sprint brand cellular telephone with subscriber information listed as Slinger Wennie, P.O. Box 54988, Irvine, CA 92619. The investigation has demonstrated that **subject cellular telephone #3** is being utilized by Darwin ANDERSON.

5. It is my opinion as an experienced, trained narcotics investigator that there exists probable cause to believe that evidence will be found of violations of Title 21, United States Code,

Sections 841 and 846 (Possession with Intent to Distribute/Distribution of Controlled Substances and/or Conspiracy to do so). The controlled substance which is the primary focus of this investigation is “crack” cocaine, a Schedule II controlled substance and marijuana, a Schedule I controlled substance, to a lesser degree. Based on the investigation to date, including post *Miranda* statements following arrests, informant debriefings, physical and pole camera surveillance, along with court authorized GPS data, the DTO currently under investigation, consists of significant narcotic traffickers, many of whom, remain unidentified.

6. Since this affidavit is being submitted for the limited purpose of securing authorization for the acquisition of the warrants outlined above, I have set forth only those facts that I believe are a necessary foundation for the issuance of said search warrants.

III. HISTORY AND BACKGROUND INFORMATION

7. For the past several months, members of the investigative team have been investigating the illicit “crack” cocaine trafficking of the James SWOPES DTO. According to previously reliable confidential sources, SWOPES (the user of **subject cellular telephone #1**) is a local narcotic cell head who oversees and directs the distribution of multiple kilogram amounts of “crack” cocaine, from the open-air “drug set” located in the 5300 block of Theodosia, on the north side of the city of St. Louis. Both physical and pole camera surveillance, buttressed by related arrests, support this belief. Typically, surveillance reveals SWOPES arriving on the drug set, where he meets with any of several narcotic underlings, before the street sales begin. As well, surveillance reflects the arrival of McGHEE (the user of **subject cellular telephone #2**) in the area, while narcotic transactions are occurring. One surveillance has reflected Darwin ANDERSON (the user of **subject cellular telephone #3**) meeting with and leaving the area in a vehicle accompanied by SWOPES, before SWOPES returns in the company of McGHEE. It

appears on the pole camera that SWOPES was armed with a handgun at the time. This open-air drug marketplace on Theodosia is located in one of the most violent areas of the City of St. Louis.

IV. CURRENT INVESTIGATION

8. Continuing with the overall investigation, as indicated, the investigation has shown a close relationship between SWOPES, McGHEE and ANDERSON. Surveillance reveals that McGHEE is physically present on the "drug set" when narcotic sales are taking place. In one instance, purported sales are taking place next to McGHEE's parked vehicle while he was in the area. As an experienced police detective, this fact cannot be lost on the belief that McGHEE is aware of the illicit activity. It is believed that McGHEE is using his status as a commissioned police officer to safe guard the operation. Clearly, McGHEE is high on the hierarchy level of the DTO. Both the physical and pole camera surveillance from this area has revealed an inordinate amount of hand-to-hand transactions, indicative of narcotic trafficking, following SWOPES' arrival and oftentimes while McGHEE is present. Numerous purported narcotic underlings have been identified and the investigation continues to broaden with time. One underling of note has been identified as Hosea HENRY, a/k/a Hosea SWOPES. This subject, believed to be a family member of James SWOPES, is continually observed on Theodosia engaging in purported drug sales.

9. Another surveillance was facilitated via the court authorized Global Positioning System (hereinafter GPS) data emanating from McGHEE's vehicle. On November 8, 2013, the GPS indicated the movement of his vehicle and a cursory surveillance of McGHEE ensued, wherein he met with two subjects independent of one another. One of the subjects was a female, who appeared to place to an item inside of McGHEE's vehicle. McGHEE then traveled to the residence of SWOPES, where he placed items, some of which were believed to be luggage, inside

of the rear of a vehicle (believed to be a rental) parked at the residence. McGHEE and SWOPES then entered the vehicle and left the area, before the vehicle was lost in traffic.

10. Later that evening, analysis of SWOPES' telephone (**subject cellular telephone #1**) revealed three contacts with a telephone with a State of Georgia area code. The telephone is subscribed to by a subject currently wanted in Florissant, Missouri, for distribution of a controlled substance. On the following day, there were two other contacts between SWOPES' telephone and that of the Georgia telephone of the wanted subject. As well, there were 13 contacts to a telephone with a State of Texas, area code. Air time summary of the telephones of both SWOPES and McGHEE, revealed that both telephones were physically located in the Fort Worth, Texas, area, during this time frame. The Dallas/Fort Worth area is a known narcotic distribution hub for the narcotics coming across the border from the Country of Mexico.

11. On November 10, 2013, SWOPES' telephone began contacting known narcotic underlings associated with the 5300 block Theodosia, the drug set known to be the distribution point for the DTO. Also on this date, the GPS on McGHEE's vehicle revealed that the vehicle had returned to his residence. The GPS surveillance had revealed that this vehicle had not left SWOPES' residence since the pair left on November 8, 2013. Based on the training and experience of the investigative team, it is believed that SWOPES and McGHEE traveled to Texas, on a drug procurement trip on November 8, 2013.

12. On November 13, 2013, the GPS demonstrated that McGHEE's vehicle was parked across the street from 3836 Cottage. Physical surveillance illustrated that it remained unoccupied for several hours. The address of 3836 Cottage is known to have been owned by SWOPES. Utilities at the address revealed service in the name of Darwin ANDERSON. Analysis of ANDERSON's telephone (**subject cellular telephone #3**) demonstrates numerous contacts with

both SWOPES' and McGHEE's telephones (**subject cellular telephones #1 and #2**, respectively). Moreover, on November 8, 2013, ANDERSON's telephone revealed contact with Enterprise Leasing. On November 9, 2013, between the approximate hours of noon and 11:30 p.m., telephonic contacts from ANDERSON's cellular telephone were hitting off cell sites in the Atlanta, Georgia, area. Atlanta, Georgia, is also a distribution hub and it is possible that ANDERSON was also on narcotic related business for the DTO. This was the day after SWOPES and McGHEE left for the purported narcotic procurement trip, to Texas.

13. Members of the investigative team are familiar with ANDERSON from a prior, wholly independent narcotics investigation, wherein confidential sources named ANDERSON as a multiple ounce cocaine dealer. Further analysis of ANDERSON's telephone reflects that same has contact with a telephone with an Atlanta, Georgia, area code. This Georgia telephone is also being contacted by the telephone wanted in the Florissant, Missouri, drug case that was also contacted by SWOPES' telephone (**subject cellular telephone #1**) on the drug procurement trip.

14. Pole camera and physical surveillance continues in the 5300 block of Theodosia. On two occasions, surveillance units have directed undercover detectives, to initiate investigative stops on subjects after believing that narcotic sales have been consummated. The subjects were then found to be in possession of "crack" cocaine or marijuana. More specifically, on November 22, 2013, members of the investigative team directed other detectives into the area after pole camera surveillance indicated that Hosea HENRY, a/k/a Hosea SWOPES, had transacted a narcotic sale with a subject who had arrived in a vehicle. Detectives were able to detain the vehicle and found Derrick SHARP in possession of a baggie containing numerous off white "rocks," later analyzed as "crack" cocaine. In a post *Miranda* statement, SHARP admitted to having just purchased the cocaine on Theodosia for \$150.00. Also on this same date, another

transaction occurred wherein detectives approached Arlandrus POWELL. POWELL immediately reached inside his jacket and for safety's sake, had to be taken to the ground. POWELL then made the spontaneous statement, "Man it's just some weed." A subsequent search of POWELL, in fact, revealed marijuana on his person. Other surveillance has revealed that Arlandrus POWELL is oftentimes in the company of Hosea HENRY a/k/a Hosea SWOPES, on the Theodosia drug set. As well, pole camera surveillance on more than one occasion, illustrates that POWELL engages McGHEE in conversation, as if the two are friends.

15. Citing other suspicious activity, indicative of narcotic trafficking, is pole camera surveillance from December 19, 2013, in the 5300 block of Theodosia. At approximately 2:33 p.m., James SWOPES and Darwin ANDERSON are observed alighting from a rear yard and walking to a blue colored Buick, known to be operated by ANDERSON. SWOPES retrieved an item from the trunk of the Buick and placed same inside his truck, which was also parked nearby. ANDERSON then entered the operator's side door of the Buick, while SWOPES entered the Buick's passenger side door. While leaning over to enter the vehicle, the camera reveals a possible holstered firearm on SWOPES' right side. The vehicle then left the area. Moments later, at 2:37 p.m., there was telephonic contact between SWOPES' and McGHEE's telephones (**subject cellular telephones #1 and #2**, respectively).

16. Approximately 13 minutes later, Don McGHEE arrived in the area and parked his Jaguar in front of SWOPES' truck. Clearly, at some juncture in the interim, SWOPES parted company with ANDERSON as SWOPES was now observed alighting from the passenger side of McGHEE's vehicle. Both SWOPES and McGHEE walked out of the view of the camera, however, SWOPES is depicted, carrying a shoulder bag.

17. Continuing on this same date, approximately 45 minutes later, a blue over white colored sedan arrived on the drug set and stopped in front of 5374 Theodosia. Hosea HENRY, a/k/a Hosea SWOPES, approached the front passenger door, before opening the rear passenger door and retrieving an unknown item. HENRY then walked toward the side lot of 5374 Theodosia and abruptly stopped, before turning around and walking across the street. He then appeared to conceal the unknown item on the front porch of a residence, before leaving the area. Based on the training and experience of the investigative team, it is believed that criminal activity was afoot on this date.

18. On January 4, 2014, a trash run was conducted on the trash dumpster located in the rear of ANDERSON's address on Cottage. This effort demonstrated the existence of paperwork in the name of ANDERSON, along with packaging that had marijuana residue inside of two separate bags. One of the bags would be consistent with a five pound package, whereas the second one represented what is believed to be a one pound package.

The investigation has clearly demonstrated that the **subject cellular telephone #3** is being utilized in connection with the commission of offenses involving ongoing violations of Title 21, United States Code, Sections 846 and 841(a)(1). It is critical that the investigative team be able to monitor the movements of the **subject cellular telephone #3** thereby assisting in the identification of the co-conspirators and the seizure of narcotics. Your affiant believes that the requested authorization would be a valuable asset in achieving the overall goals of the investigation.

Based on the above information, there is probable cause to believe that the **subject cellular telephone #3** is being used to promote and facilitate a conspiracy to distribute narcotics and the requested authorization would provide relevant evidence of the conspiracy.

Disclosure of the existence of the requested Warrant would cause the targets to dispose of the **subject cellular telephone #3** and seriously jeopardize the investigation. In light of the ongoing nature of the investigation, it is requested that this affidavit, along with the application and Warrant, be sealed.

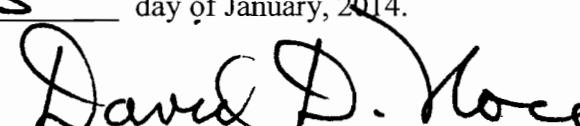
WHEREFORE, your affiant respectively requests that the Court issue a Warrant directing SPRINT, any telecommunication service providers reflected in Attachment 1, here incorporated by reference, and any other applicable service provider(s), to activate signaling information, including cell site information, precision location information, and factory installed GPS information located in the above-referenced **subject cellular telephone #3**. Monitoring of the signals are to occur for a period of forty-five (45) days following the issuance of the Court's Warrant, including signals produced from inside private residences and other locations not open to the public or visual surveillance, and signals produced in the event that the **subject cellular telephone #3** leaves the Eastern District of Missouri but remains within the United States; and to order the application, affidavit and Warrant be sealed.



ERIC LANHAM
Task Force Officer
Drug Enforcement Administration

Dated this 13th day of January, 2014.

Sworn to and subscribed before me this 13th day of January, 2014.



DAVID D. NOCE
UNITED STATES MAGISTRATE JUDGE
Eastern District of Missouri

LIST OF TELECOMMUNICATION SERVICE PROVIDERS**SPRINT**

and

01 Communications	Empire Paging	MCI Worldcom	Smart Beep Paging
Access Line Communication	Ernest Communications	Metro PCS	Smart City Telecom
ACN Communications	Echelon Telecommunications	Metro Teleconnect	Socket Telecom
ACS	EZ Talk Communications	Mid-Atlantic	South Central Bell
Aero Communications, Inc. (IL)	FDN Communications	Midvale Telephone Exchange	Sprint
Afford A Phone	Fibernit Comm	Midwest Wireless	Sprint Spectrum, L.P.
Airvoice Wireless	Florida Cell Service	Millington Telephone	SRT Wireless
Alaska Communications	Florida Digital Network	MLM Telecommunications	Star Telephone Company
Alhambra-Grantfx Telephone	Focal Communications	Mobile Communications	Start Wireless
AmeriTel	Frontier Communications	Mound Bayou Telephone Co.	Sugar Land Telephone
AOL Corp.	Gabriel Comm	Mountain Bell	Sure West Telephone Company
Arch Communication	Galaxy Paging	Mpower Communications	Talk America
AT&T	Global Communications	Navigator	TC-St. Louis
AT&T Mobility	Global Crossing	Telecommunications	Tele Touch Comm
Bell Aliant	Global Eyes Communications	NE Nebraska Telephone	Telecorp Comm
Big River Telephone	Global Naps	Netlink Comm	Telepak
Birch Telecom	Global Rock Network	Network Services	Telistire
Blackberry Corporation	Grafton Telephone Company	Neustar	Telnet Worldwide
Brivia Communications	Grand River	Neutral Tandem	Tex-Link Comm
Broadview Networks	Grande Comm	Nex-Tech/United Wireless	Time Warner Cable
Broadvox Ltd.	Great Plains Telephone	Nexus Communications	T-Mobile
Budget Prepay	Harrington Telephone	NII Comm	Total Call International
Bulls Eye Telecom	Harrisonville Telephone Co.	North Central Telephone	Tracfone Wireless
Cable Vision	Heartland Communications	North State Comm	Trinity International
Call Wave	Hickory Telephone	Northcoast Communications	Triton PCS Company
Cbeyond Inc.	Houston Cellular Telephone	Novacom	U-Mobile
CCPR Services	Huxley Communications	Ntera	Unicel Cellular
Cellco Partnership, d/b/a Verizon Wireless	iBasis	N-Teleus Wireless	United On-Line
Cellular One	IDT Corporation	NTS Communications	United States Cellular Corp.
Cellular South	Illinois Consolidated Communications	Oklahoma City SMSA	United Telephone of MO
Centennial Wireless	Illinois Valley Cellular	ONSTAR	US Cellular
Century Tel	Insight Phone	Optel Texas Telecom	US Communications
Champaign Cellular	Integra	Orion Electronics	US LEC
Charter Communications	Iowa Wireless	PacBell	US Link
Chickasaw Telephone	IQ Telecom	PacWest Telecom	US West Communications
Choctaw Telephone Company	J2 Global Communications	PAETEC Communications	USA Mobility
Choice Net Comm.	Leap Wireless International	Page Plus Communications	VarTec Telecommunications
Cimco Comm	Level 3 Communications	Page Mart, Inc.	Verisign
Cincinnati Bell	Level One	Page Net Paging	Verizon Telephone Company
Cinergy Communications	Local Links Communications	Panhandle Telephone	Verizon Wireless
Citizens Utilities	Locus Communications	Peerless Network	Viaero Wireless
Clear World Communication	Logix Communications	Pineland Telephone	Virgin Mobile
Com-Cast Cable Comm.	Longlines Wireless	PhoneTech	Vonage Holdings
Comm South Companies	Los Angeles Cellular	PhoneTel	Wabash Telephone
Commercial Communications	Madison River	Preferred Telephone	Weblink Wireless
Consolidated Communications	Communications	Priority Communications	Western Wireless
Convergent Communications	Madison/Macoupin Telephone Company	Puretalk	Westlink Communications
Cox Communications	Mankato Citizens Telephone	RenTel	Windstream Communications
Cricket Wireless	Map Mobile Comm	RCN Telecom	WinStar Communications
Custer Telephone Cooperative	Marathon Comm	RNK Telecom	Wirefly
DBS Communications	Mark Twain Rural	QWEST Communications	WISPNET, LLC
Delta Communications	Matrix Telecom, Inc.	Sage Telecom	World Comm
Detroit Cellular	Max-Tel Communications	SE All-Tel Comm	XO Communications
Dobson Cellular	McCleod USA	Seren Innovations	Xspedius
Egyptian Telephone		Sigeicom LLC	Yakdin Valley Telephone
Electric Lightwave, Inc.		Sky Tel Paging	YMAX Communications
			Ztel Communications